

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(d)) - NONPROFIT ORGANIZATION**

Applicant or Patentee: Salkoff et al.
 Application or Patent No.: 09/176,664
 Filed or Issued: October 21, 1998
 Title: A PH SENSITIVE POTASSIUM CHANNEL IN SPERMATOCYTES

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Nonprofit Organization: The Washington University
 Address of Nonprofit Organization: One Brookings Drive
St. Louis, Missouri 63130

Type of Nonprofit Organization:

- ☐ University or other institution of higher education.
☐ Tax exempt under Internal Revenue Service Code [26 USC 501(a) and 501(c)(3)].
☐ Nonprofit scientific or educational under statute of state or the United States of America
 (Name of State _____).
☐ Would qualify as tax exempt under Internal Revenue Service Code [26 USC 501(a) and 501(c)(3)] if located in the United States of America.
☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America
 (Name of State _____)
 (Citation of statute _____).

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention, entitled **A PH SENSITIVE POTASSIUM CHANNEL IN SPERMATOCYTES** by inventor(s) described in:

- ☐ the specification filed herewith;
☒ Application No. 09/176,664 filed October 21, 1998;
☐ Patent No. _____ issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: _____
 Address: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name: _____
 Address: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Andrew Neighbour, Ph.D.
 Associate Vice Chancellor
 For Technology Management

Name of Person Signing: _____
 Title in Organization of Person Signing: _____
 Address of Person Signing: _____

Signature Andrew Neighbour

Date

12/31/98

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patentee: Salkoff et al.
 Application or Patent No.: 09/176.664
 Filed or Issued: October 21, 1998
 Title: PH SENSITIVE POTASSIUM CHANNEL IN SPERMATOCYTES

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: ICAgen, Incorporated
 Address of Small Business Concern: 4222 Emperor Boulevard, Suite 460, Durham, North Carolina 27703

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **PH SENSITIVE POTASSIUM CHANNEL IN SPERMATOCYTES** by inventor(s) **Lawrence Salkoff, Matthew Schreiber and Chris Silvia** described in:

- ☐ the specification filed herewith.
☒ Application No. 09/176.664, filed 10/21/98.
☐ Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name _____
 Address _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name _____
 Address _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: PKay Wagoner
 Title of Person if Other than Owner: CEO
 Address of Person Signing: Suite 460 4222 Emperor Blvd
Durham NC 27703

Signature [Signature]

Date

12/29/98

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **A PH SENSITIVE POTSSIUM CHANNEL IN SPERMATOCYTES** the specification of which is attached hereto or X was filed on 10/21/98 as Application No. 09/176,664 and was amended on (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

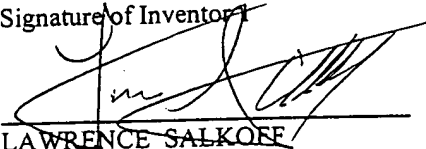
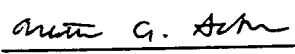

Application No.	Filing Date
60,063,138	10/22/97
60,076,172	02/27/98

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Last Name: SALKOFF	First Name: LAWRENCE	Middle Name or Initial:	
Residence & Citizenship:	City: Clayton	State/Foreign Country: Missouri	Country of Citizenship: USA	
Post Office Address:	Post Office Address: 6327 Alamo Avenue	City: Clayton	State/Country: Missouri	Postal Code: 63105
Full Name of Inventor 2:	Last Name: SCHREIBER	First Name: MATTHEW	Middle Name or Initial:	
Residence & Citizenship:	City: Clayton	State/Foreign Country: Missouri	Country of Citizenship: USA	
Post Office Address:	Post Office Address: 7561 York Drive	City: Clayton	State/Country: Missouri	Postal Code: 63105
Full Name of Inventor 3:	Last Name: SILVIA	State/Foreign Country: CHRIS	Middle Name or Initial:	
Residence & Citizenship:	City: Durham	State/Foreign Country: North Carolina	Country of Citizenship: USA	
Post Office Address:	Post Office Address: 3105 Broomsedge Way	City: Durham	State/Country: North Carolina	Postal Code: 27712

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  LAWRENCE SALKOFF	Signature of Inventor 2  MATTHEW SCHREIBER	Signature of Inventor  CHRIS SILVIA
Date 1-15-99	Date 1-15-99	

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **A PH SENSITIVE POTSSIUM CHANNEL IN SPERMATOCYTES** the specification of which is attached hereto or X was filed on 10/21/98 as Application No. 09/176,664 and was amended on (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

Whereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

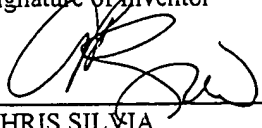
Application No.	Filing Date
60,063,138	10/22/97
60,076,172	02/27/98

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Last Name: SALKOFF	First Name: LAWRENCE	Middle Name or Initial:	
Residence & Citizenship:	City: Clayton	State/Foreign Country: Missouri	Country of Citizenship: USA	
Post Office Address:	Post Office Address: 6327 Alamo Avenue	City: Clayton	State/Country: Missouri	Postal Code: 63105
Full Name of Inventor 2:	Last Name: SCHREIBER	First Name: MATTHEW	Middle Name or Initial:	
Residence & Citizenship:	City: Clayton	State/Foreign Country: Missouri	Country of Citizenship: USA	
Post Office Address:	Post Office Address: 7561 York Drive	City: Clayton	State/Country: Missouri	Postal Code: 63105
Full Name of Inventor 3:	Last Name: SILVIA	State/Foreign Country: CHRIS	Middle Name or Initial:	
Residence & Citizenship:	City: Durham	State/Foreign Country: North Carolina	Country of Citizenship: USA	
Post Office Address:	Post Office Address: 3105 Broomsedge Way	City: Durham	State/Country: North Carolina	Postal Code: 27712

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 LAWRENCE SALKOFF	Signature of Inventor 2 MATTHEW SCHREIBER	Signature of Inventor  CHRIS SILVIA
Date	Date	Date Dec 15 1998

POWER OF ATTORNEY BY ASSIGNEE

The Washington University is the Assignee of the invention entitled: PH SENSITIVE POTASSIUM CHANNEL IN SPERMATOCYTES, the specification of which is attached hereto or X was filed on October 21, 1998 as Application Serial No. 09/176,664.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Annette S. Parent, Reg. No. 42,058
Kenneth A. Weber, Reg. No. 31,677
Eugenia Garrett-Wackowski, Reg. No. 37,330
Jonathan Alan Quine, Reg. No. 41,261

Send Correspondence to:

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TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

Direct Telephone Calls to:
(Name, reg. no., tele. no.)

Annette S. Parent
Reg. No.: 42,058
(415) 576-0200

Date: 1/22/99

The Washington University

By: Andrew Neighbour
(Signature)

Andrew Neighbour, Ph.D.
Associate Vice Chancellor
For Technology Management

POWER OF ATTORNEY BY ASSIGNEE

ICAgen, Incorporated is the Assignee of the invention entitled: PH SENSITIVE POTASSIUM CHANNEL IN SPERMATOCYTES, the specification of which ___ is attached hereto or X was filed on October 21, 1998 as Application Serial No. 09/176,664.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Annette S. Parent, Reg. No. 42,058
Kenneth A. Weber, Reg. No. 31,677
Eugenia Garrett-Wackowski, Reg. No. 37,330
Jonathan Alan Quine, Reg. No. 41,261

Send Correspondence to:

Annette S. Parent
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

Direct Telephone Calls to:
(Name, reg. no., tele. no.)

Annette S. Parent
Reg. No.: 42,058
(415) 576-0200

ICAgen, Incorporated

Date:

12/16/98

By:

Robert J. Jacobs
(Signature)

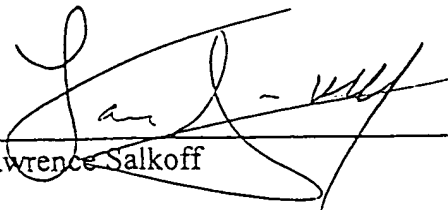
Name:

ROBERT J JACOBS

Title:

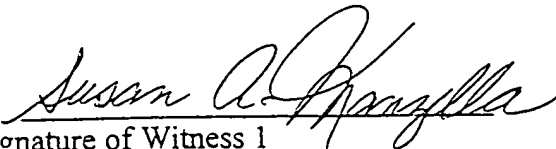
ASSISTANT SECRETARY

Date: 1-15-99

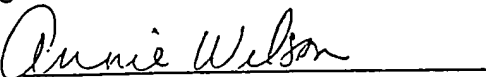

Lawrence Salkoff

SIGNATURE WITNESSED BY:

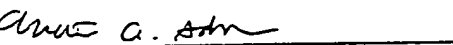
(1) Date: 1/15/99


Signature of Witness 1

(2) Date: 1/15/99

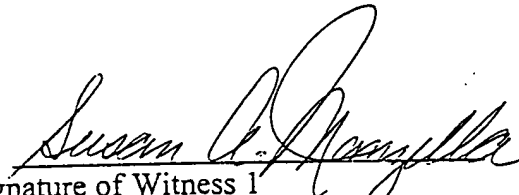

Signature of Witness 2

Date: 1-15-99

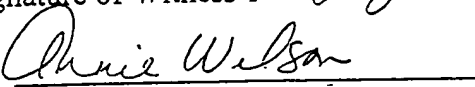

Matthew Schreiber

SIGNATURE WITNESSED BY:

(1) Date: 1/15/99


Signature of Witness 1

(2) Date: 1/15/99


Signature of Witness 2

09519076-030600